

Village of Windham, Ohio

Minutes of Regular Council Meeting

Held July 24, 2012

At 7:00 PM the Honorable Mayor Robert W. Donham II called the meeting to order and led in the pledge of allegiance to our nations flag.

Mayor Donham said he is excusing Jena Miranda from the meeting tonight as she had requested this in advance.

Roll Call: Rachel Barrett – present, Deb Blewitt – present,
 Scott Garrett – present, Jena Miranda – excused absence,
 Sheryl Prem – present, Phil Snyder – present

Also present Atty. Tom Reitz, solicitor, Police Chief Gene Fixler, Denise Bly, Jim Pace, Jennifer Berdella, Neal Hilbruner, Curtis Hilbruner, and Housing Inspector Tom Brett.

Mayor Donham requested the observance of a moment of silence for Mayor Craig Moser of Garrettsville who passed this morning. Mr. Donham said our prayers go with the family and the Village of Garrettsville.

The minutes of June 21, 2012 Council Meeting were reviewed and Mr. Snyder made a motion to approve them which was seconded by Ms. Blewit. The roll call vote was taken and by unanimous vote of those present the minutes were approved.

The Fiscal Officer's Financial Reports by Lloyd Billman

The Income Tax collected year to date June 30, 2012 were \$303,028.26 with \$37,810.80 of the total for declarations of estimated tax.

The expenditures for the month of June 2012 were \$227,321.35 in checks, direct deposits and charges. Check numbers 27891 through 27994 were paid from the primary checking account during the month with check number 27962 voided during the month. Direct Deposit vouchers E160 through E193 were also issued during the month.

The all funds reconciled bank balance for June 2012 was \$1,412,389.68.

Lastly, although not exactly a financial report, Mr. Billman reported he will be on vacation from August 27th through August 28th. The next scheduled Council Meeting is August 28th.

Council President's report by Phil Snyder, Mr. Snyder said he would like to move the Council meeting to August 29th and move Finance and SPR to August 16th. There were no objections.

Dispatchers Police, Fire and Rescue Squad (EMS) reports for June 2012 by Phil Snyder
Mr. Snyder moved to accept the report as given by Chief Fixler which was seconded by Mr. Garrett. There seemed to be some confusion as to whether the June 2012 report had been

distributed and Mr. Snyder then made a motion to table acceptance of the report which was seconded by Mr. Garrett and the vote of Council was unanimous in support of motion to table.

Mayor's Communication and Correspondence Mayor Donham said he had nothing at this time.

Prior requests of guests to speak. None.

Finance by Scott Garrett

Mr. Garrett made a motion to approve the Fiscal Officer's expenditures for the month of June 2012 in the amount of \$227,321.35 in checks, direct deposits and charges with check numbers 27891 through 27994 paid from primary checking account during June 2012 and check number 27962 voided during the month. Direct Deposit vouchers E160 through E193 were also issued during the month. Mr. Snyder seconded the motion which passed by unanimous vote of Council.

At this point Mr. Snyder said there was a guest from the American Legion who would like to be heard. Mr. Jim Pace from the American Legion said the Legion would like to request a shooting match at the American Legion which would be held either in September or October. He said they had done this in the past and it was discontinued for a time but they would like to resume. After some discussion, Mr. Pace will submit his request to Chief Fixler and it will be taken up at the SPR meeting in August.

Mr. Garrett made a motion to approve the all funds reconciled bank balance for June 2012 in the amount of \$1,412,389.68 and the following monthly reports distributed to Council for month ending June 30, 2012: Fund Summary, Appropriation Summary, Revenue Summary, Payment Register, Charge Register, Expenditure Summary, Cash Summary by Fund and the following Year to Date Reports through June 30, 2012: Cash Summary by Fund, Comparison of Budget versus Actual Receipts, Comparison of Disbursements and Encumbrances which was seconded by Mr. Snyder and carried by 5 – 0 vote.

Mr. Garrett read Resolution R-2012-21 **A RESOLUTION AUTHORIZING THE VILLAGE FISCAL OFFICER OF THE VILLAGE OF WINDHAM TO CREATE A THEN AND NOW PURCHASE ORDER(S) TO PAY COSE / MEDICAL MUTUAL OF OHIO, OHIO EDISON, SOFTWARE SOLUTIONS INC., HECKY EXCAVATING, LOVE INSURANCE, STREETSBORO SALES & SERVICE, INC. TREASURER, STATE OF OHIO AND DECLARING AN EMERGENCY** and made a motion to suspend the rules, seconded by Mr. Snyder and carried by unanimous vote. Mr. Scott then made a motion to adopt Resolution R-2012-21 which was seconded by Mr. Snyder and again carried by unanimous vote.

Mr. Garrett read Ordinance O-2012-30 **BEING AN ORDINANCE AUTHORIZING TRANSFERS AND APPROPRIATIONS FOR THE VILLAGE OF WINDHAM AS SET FORTH BELOW AND DECLARING AN EMERGENCY** and made motion to suspend the rules which was seconded by Mr. Snyder and passed by 5 –0 vote. Mr. Garrett then made a motion to adopt the Ordinance which was seconded by Mr. Snyder and passed by a 5 – 0 vote.

Mr. Garrett then read Ordinance O-2012-27 **AN ORDINANCE DECLARING IT NECESSARY IN ORDER TO CONTINUE TO PROVIDE SERVICES IN THE VILLAGE OF WINDHAM TO INCREASE THE VILLAGE INCOME TAX BY .5% EFFECTIVE JANUARY 1, 2013, AND REPEALING ALL PRIOR INCONSISTENT**
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ORDINANCES as a third reading and made a motion to adopt the Ordinance which was seconded by Mrs. Prem. The roll call vote was taken as follows: Mr. Garrett yes, Ms. Blewitt yes, Mr. Snyder yes, Mrs. Barrett no, Mrs. Prem yes so the motion was carried.

Mr. Garrett then read Resolution R-2012-17 **A RESOLUTION DECLARING IT NECESSARY TO PLACE A .5% GENERAL INCOME TAX INCREASE ON THE BALLOT FOR THE NOVEMBER 6, 2012 GENERAL ELECTION, SAID INCREASE TO BE EFFECTIVE JANUARY 1, 2013, AND NOTIFYING THE PORTAGE COUNTY BOARD OF ELECTION TO CAUSE NOTICE OF THE ELECTION, AND REPEALING ALL PRIOR INCONSISTENT ORDINANCES** as a third reading and made a motion for its adoption which was seconded by Mrs. Prem. Ms. Blewitt questioned if this would bring us to 2%. Mayor Donham said yes, but we allow ½% credit for those who live in the Village and work outside the Village where their income is taxed by another entity, so the net tax would be 1.5%. The roll call vote was taken with the following results: Mr. Garrett yes, Ms. Blewitt yes, Mr. Snyder yes, Mrs. Barrett no, Mrs. Prem yes so the motion was carried by a 4 – 1 vote.

Mr. Garrett read Resolution R-2012-22 **A RESOLUTION ESTABLISHING A NEW FUND TO BE KNOWN AS THE WATER PLANT PERM IMPROVEMENT FUND FOR THE VILLAGE OF WINDHAM AND DECLARING AN EMERGENCY.** Mr. Garrett then made a motion to suspend the rules which was seconded by Mr. Snyder and carried by unanimous vote. Mr. Garrett made a motion for the adoption of Resolution R-2012-22 which was seconded by Mr. Snyder and carried by a 5 – 0 vote.

Safety, Personnel, Rules (SPR) by Phil Snyder

Mr. Snyder stated that Ordinance O-2011-42 **AN ORDINANCE ESTABLISHING THE VILLAGE OF WINDHAM EMPLOYEE HANDBOOK** is to remain tabled since the committee is still working on it.

Mr. Snyder then requested a work session be scheduled for the SPR Committee at 6:00 PM on August 13th to continue work on the Handbook.

Mr. Snyder then made a motion to approve an extension of time of two weeks for Tim Wilmington to take his vacation. This had been approved by the SPR Committee. The roll call vote was taken: Mr. Snyder yes, Mr. Garrett yes, Mrs. Prem yes, Mrs. Barrett no, Ms. Blewitt yes so the motion was carried.

Mr. Snyder read Ordinance O-2012-29 **AN ORDINANCE TO REVISE AND AMEND SECTION 121.01(k) PARAGRAPH (3), SERVICE COMMITTEE, AND TO ENACT SECTION 121.01(k)(6), UTILITY COMMITTEE, WITH RESPECT TO THE COMMITTEES OF THE VILLAGE COUNCIL AS SET FORTH IN THE WINDHAM CODIFIED ORDINANCES** as a second reading.

Mr. Snyder made a motion to approve Neal Hilbruner as an unpaid civilian auxiliary of the Windham Police Department which was seconded by Mr. Garrett and was approved by unanimous vote of Council.

Ms. Jennifer Berdella was introduced. She is currently serving as a Civilian Auxiliary officer for almost 15 months and is being recommended to be hired as a part-time dispatcher upon successful completion of training. After successful completion of required training a formal request for employment status will be submitted.

Mayor Donham requested a break while he administered the oath of office upon Neal Hilbruner. Neal received a round of applause from all present.

Mr. Snyder read Resolution R-2012-25 **A RESOLUTION AUTHORIZING THE SALE OF A 2005 CROWN VICTORIA POLICE CRUISER AND DECLARING AN EMERGENCY** and made a motion to suspend the rules which was seconded by Mr. Garrett and carried by a unanimous vote. Mr. Snyder then made a motion for the adoption of Resolution R-2012-25 which was seconded by Mr. Garrett and carried by a 5 – 0 vote. Chief Fixler explained he is selling the 2005 to Brad Lake for \$4400 as equipped.

Mr. Snyder then made a motion to accept the resignation of Jeff Harris effective July 24, 2012 which was seconded by Mr. Garrett and passed by a 5 – 0 vote. Chief Fixler explained that Officer Harris took a job with the Stark County Sheriff's Department and the current Sheriff prohibits him carrying a dual commission.

Mr. Snyder read Resolution R-2012-26 **A RESOLUTION AUTHORIZING THE INTERNET SALE OF UNNEEDED, OR UNFIT, OR OBSOLETE PERSONAL PROPERTY, INCLUDING MOTOR VEHICLES AND EQUIPMENT OWNED BY THE VILLAGE OF WINDHAM AND DECLARING AN EMERGENCY** and made a motion to suspend the rules which was seconded by Mr. Garrett and carried by unanimous vote. Mr. Snyder then made a motion for the adoption of Resolution R-2012-26 which was seconded by Mr. Garrett and carried by unanimous vote.

Utilities by Rachel Barrett

Mrs. Barrett read Resolution R-2012-23 **A RESOLUTION AUTHORIZING THE PURCHASE AND INSTALLATION OF TWO SIX INCH POWERTRON VALVES FOR THE VILLAGE OF WINDHAM WATER PLANT FROM THE W. C. WEIL CO. OF ALLISON PARK, PENNSYLVANIA AND DECLARING AN EMERGENCY** and made a motion to suspend the rules which was seconded by Mr. Snyder and carried by unanimous vote. Mrs. Barrett then made a motion to adopt Resolution R-2012-23 which was seconded by Mr. Garrett and carried by unanimous vote.

Streets and Sidewalks by Deborah Blewitt Ms. Blewitt said she had nothing.

Housing Rental License Code by Deborah Blewitt Ms. Blewitt said she had nothing.

Village Building and Properties by Deborah Blewitt Ms. Blewitt read Resolution R02012-24 **A RESOLUTION GRANTING A LICENSE TO THE WINDHAM HISTORICAL SOCIETY TO ERECT A FLAG POLE AND ASSOCIATED MONUMENT REFLECTING THE HISTORICAL CHARACTER OF THE VILLAGE OF WINDHAM AND DECLARING AN EMERGENCY** as a first reading.

Parks and Recreation by Phil Snyder Mr. Snyder said he had no report.

Planning and Zoning by Phil Snyder Mr. Snyder said he has nothing at this time.

Solicitor's Report by Tom Reitz Mr. Reitz said he had nothing to report.

Guest Recognition None.

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Last Chance by members of Council to speak There were no Council members wishing to speak.

There being no further business, Mrs. Barrett made a motion for adjournment which was seconded by Mrs. Prem and carried unanimously at 7:43 PM.

Respectfully submitted,

Attest,

Lloyd C. Billman, Clerk of Council

Robert W. Donham II, Mayor

**** NOTE: THESE MINUTES ARE SUMMARY BY DIRECTION OF COUNCIL ****

All Council & Committee Meetings will be held in Windham Council Chambers, unless otherwise noted.